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ABSTRACT

This paper presents an overview of teacher strikes from the perspective of school administrators and presents guidelines for the actions of principals, superintendents, and school board members before, during, and after a strike. Included are recommendations for estimating the dollar value of teacher salaries and fringe benefits, planning and carrying out negotiations, resolving impasses, and developing a contingency plan for operating the district during a strike. (JG)

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THE PRINCIPAL'S ROLE IN COLLECTIVE NEGOTIATIONS

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Albert W. Panaci

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COLLECTIVE NEGOTIATIONS IN MANY SCHOOL SYSTEMS HAS TENDED TO ERODE THE ADMINISTRATOR'S PEROGATIVES, MANAGERIAL AUTHORITY AND PROFESSIONAL STATUS. HE HAS FOUND HIS ROLE IN PROFESSIONAL ORGANIZATIONS CHALLENGED, MODIFIED, SOMETIMES ELIMINATED. HE HAS FOUND THAT MUCH OF THE MILITANCY OF THE TEACHER ORGANIZATION SEEMS TO BE AIMED DIRECTLY AT HIM AND HIS METHODS OF OPERATING THE SCHOOL. HE IS IN A NEW FIELD ILL-TRAINED.

PRINCIPALS SHOULD PARTICIPATE WITH THE CENTRAL ADMINISTRATION AND THE BOARD TO DETERMINE POSITION ON MATTERS TO BE NEGOTIATED.

SUPERINTENDENTS SHOULD MEET WITH THEIR PRINCIPALS BEFORE THE NEGOTIATIONS ACTUALLY BEGIN. THE SUPERINTENDENT SHOULD ENCOURAGE THE PRINCIPALS TO RAISE ANY PROBLEMS THAT THEY MAY HAVE.

THE TWO FACTORS TO BE DETERMINED TO WEIGH TEACHER'S DEMANDS ARE (1) COST, AND (2) VALUE--VALUE TO TEACHERS, VALUE TO STUDENTS, VALUE TO THE SCHOOL SYSTEM IN GENERAL.

THE NATIONAL SCHOOL BOARD ASSOCIATION CONSULTANT ON COLLECTIVE BARGAINING, SAID BOARDS CAN REBUT THE IMAGE CREATED IN THE COMMUNITY BY TEACHER ORGANIZATIONS THAT TEACHERS ARE THINKING OF THE WELFARE OF THE CHILD BY DEMANDING THAT SALARIES BE NEGOTIATED FIRST. "ONCE YOU SETTLE MONEY, EVERYTHING ELSE FALLS," HE ADVISED.

"WHAT'S NEGOTIABLE " PRACTICALLY NOTHING, STATED CHIEF NEGOTIATOR FOR THE COMMONWEALTH OF PENNSYLVANIA. HE ADVISED THAT SCHOOL DISTRICTS DO NOT BARGAIN ON SCHOOL CALENDAR, CLASS SIZE, WORKLOAD, ASSIGNMENT OF TEACHERS, TRANSFERS, POLICIES, PLANT, EQUIPMENT, EXTRA-CURRICULAR PROGRAMS, SELECTION OF TEXTBOOKS, TEACHER AIDES, SPECIALISTS, OR PREPARATION TIME. ONLY WAGES, HOURS, TERMS AND CONDITIONS OF EMPLOYMENT SHOULD BE NEGOTIABLE.

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THE WHOLE LEGISLATIVE PHILOSOPHY OF PENNA. ACT 195 WAS TO PROVIDE A PROCEDURE FOR GOOD FAITH BARGAINING BETWEEN PUBLIC EMPLOYERS AND EMPLOYES WITH BUILT-IN TIME TABLES, FOR MEDIATION AND FACT FINDING IF NECESSARY, AND TO PERMIT A STRIKE ONLY WHEN GOOD FAITH BARGAINING RELATING ONLY TO WAGES, HOURS, AND CONDITIONS OF EMPLOYMENT HAD REACHED A BARGAINING STALEMATE. THUS THE TEACHERS' RIGHT TO STRIKECANNOT BE EQUATED TO A SIMILAR RIGHT IN THE PRIVATE SECTOR OF OUR BUSINESS WORLD.

A STATEMENT, BUT NOT A THREAT, SHOULD BE MADE THAT THE FRINGE BENEFITS AND OTHER CONTRACT ITEMS DIE WITH THE AGREEMENT FOR THE BARGAINING GROUP. MANAGEMENT MAY RETAIN THEM. THE GENERAL PUBLIC AND, INDEED, EVERY WAGE-EARNER IN THE COUNTRY MEASURES HIS VALUE OF EARNINGS BY THE DOLLARS INDICATED ON THE YEARLY W-2 STATEMENT RECEIVED FROM HIS/HER EMPLOYER.

IN ADDITION, A DOLLAR VALUE OF FRINGE BENEFITS PAID BY THE SCHOOL DISTRICT (IN EXISTENCE BY DECEMBER 31, 1974) - ADDED TO THE AVERAGE SALARY PAID DURING 1974 --COULD BE INCLUDED IN THE INFORMATION. (EXHIBIT C)

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AVERAGE 1974 CALENDAR EARNINGS

PROFESSIONAL STAFF

1974 AVERAGE SALARY $_____

ADDED TO THIS ARE THE ESTIMATED VALUES OF FRINGE BENEFITS PAID BY THE_____SCHOOL DISTRICT:

TEACHER'S RETIREMENT $_____

SOCIAL SECURITY $_____

HEALTH INSURANCE $_____

LIFE INSURANCE $_____

INCOME PROTECTION PLAN $_____

DENTAL INSURANCE $_____

VISION CARE INSURANCE $_____

PERSONAL/EMERGENCY LEAVE DAYS $_____

SICK LEAVE $_____

ACCUMULATED LIABILITY FOR RETIREMENT BONUS $_____

VALUE OF SUBSIDIZED LUNCH PROGRAM

(TEACHERS EAT IN SCHOOL CAFETERIA FOR ½

REAL COMMUNITY COST TO OTHERS) $_____

VALUE OF TUITION REIMBURSEMENT PLAN $_____

TOTAL 1974 EARNINGS & FRINGE BENEFITS $_____

ANOTHER CLAUSE THAT PROVES TO BE EXTREMELY TROUBLESOME, WHERE FOUND, IS A "PAST PRACTICE" CLAUSE. THIS KIND OF CLAUSE ESSENTIALLY INDICATES THAT ANYTHING THAT MAY HAVE OCCURRED BEFORE COULD BE DEEMED A "PAST PRACTICE," AND SHOULD THUS BE CONTINUED. SOME SCHOOL DISTRICTS HAVE, THROUGH THE OPERATION OF SUCH A CLAUSE, SUBJECTED VIRTUALLY ALL POLICY DECISIONS TO THE GRIEVANCE PROCEDURE AND SUBSEQUENTLY TO THE FINAL DETERMINATION OF A THIRD PARTY ARBITRATOR.

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FACT-FINDING, IS AN INTEGRAL PART OF THE IMPASSE PROCEDURE, IS DESIGNED TO PROVIDE BOTH PARTIES WITH THE OPPORTUNITY TO DISPLAY THE "FACTS" OF THE IMPASSE WITH THE EVENTUAL HOPE THAT A SETTLEMENT WILL OCCUR AND A STRIKE WILL BE AVOIDED. DON'T UNDERESTIMATE THE ABILITY OF THE UNION TO PRESENT DOCUMENTATION IN EVIDENCE TO SUPPORT THEIR POSITION. USE ALL THE INFORMATION AT YOUR DISPOSAL TO PRESENT A FACTUAL PICTURE TO THE FACT-FINDER.

DON'T WAIT UNTIL AN IMPASSE OCCURS TO START GATHERING DATA. START NOW--AND KEEP AN ON-GOING PROGRAM OF VITAL STATISTICS AVAILABLE AT YOUR FINGERTIPS.

PENNSYLVANIA COURTH RULED THAT SCHOOL DISTRICT DID NOT HAVE TO MAKE UP DAYS IT LOST BECAUSE OF STRIKE.

THE PA. DEPARTMENT OF EDUCATION IS TRAINING SPECIAL EVALUATION TEAMS TO GO INTO ANY DISTRICTS HIT BY TEACHER STRIKES.

THE NEW STRIKE TASK FORCES WILL EVALUATE THE EDUCATIONAL PROGRAM DURING A STRIKE TO SEE IF A SCHOOL DISTRICT IS ELIGIBLE TO CONTINUE GETTING ITS STATE SUBSIDY.

A STRIKE-BOUND DISTRICT IS REQUIRED TO OFFER AN "EFFECTIVE EDUCATION PROGRAM" IN ORDER TO QUALIFY FOR ITS STATE SUBSIDY DURING THE STRIKE.

NEGOTIATION

GUIDELINES

IT IS VERY TRUE THAT NO ONE WANTS A STRIKE--ESPECIALLY IN SCHOOLS. CERTAINLY SCHOOL ADMINISTRATORS DON'T WANT STRIKES. SCHOOL BOARDS WANT TO AVOID THE PUBLIC DISTRESS AND STUDENT BADGERING. THE GENERAL PUBLIC HAS SHOWN ITS GROWING IMPATIENCE WITH STRIKES THAT AFFECT PUBLIC SERVICES--ESPECIALLY SCHOOLS. BUT IT IS NOW CLEAR THAT ALMOST ANY SCHOOL DISTRICT CAN BE CONFRONTED WITH AT LEAST THE THREAT OF A STRIKE, AND POSSIBLE A FULL-BLOWN STRIKE.

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WHEN AN IMPASSE DEVELOPS BARGAINING WITH EMPLOYE REPRESENTATIVES SHOULD NOT BE CARRIED ON IN PUBLIC. THIS IS BASED ON THE SIMPLE PROPOSITION THAT PLAYING TO A PUBLIC AUDIENCE UNDER SUCH CIRCUMSTANCES TENDS TO INCREASE THE LIKELIHOOD OF REACHING A STALEMATE SINCE A PUBLICLY STATED POSITION IS MORE LIKELY TO BE VIEWED AS ONE THAT IS INFLEXIBLE.

THESE ARE SOME OF THE THINGS TO CONSIDER IN A PLAN FOR DEALING WITH IMPASSES.

1. SELECT A SMALL, COORDINATING TEAM THAT WILL BE RESPONSIBLE FOR COORDINATION OF IMPASSE--AND POSSIBLE STRIKE--ACTIVITIES.

2. APPOINT ONE PERSON ON THIS COORDINATING TEAM WHO WILL BE RESPONSIBLE FOR ANY INFORMATION FLOW. NOTHING IS MORE DEMORALIZING TO A BARGAINING TEAM, THAN TO BE SURPRISED BY LEARNING THROUGH SOME PUBLIC NEWS MEDIA SOURCE ABOUT A SITUATION OR CHANGED CIRCUMSTANCE OF WHICH THEY WERE PREVIOUSLY UNAWARE.

3. PRESENT THE FACTS. WHEN DEALING WITH MONEY ISSUES OR OTHER STATISTICAL DATA, PREPARE SIMPLE, EASY-TO-READ-AND-UNDERSTAND CHARTS. DEAL WITH THE ISSUES, NOT WITH PERSONALITIES.

4. PREPARE A LIST OF PUBLIC OFFICIALS WHO MAY BE CALLED UPON IN THE EVENT OF A STRIKE. SUCH A LIST INCLUDES: POLICE OFFICIALS, COUNTY COMMISSIONERS, MAYORS, AND JUDGES WHO MAY BE REQUIRED TO ACT IN THE EVENT OF A STRIKE.

5. ALL BARGAINING SHOULD BE UNDERTAKEN WITH THE EXPECTATION THAT A MUTUALLY SATISFACTORY AGREEMENT WILL BE REACHED UNDER AMICABLE CONDITIONS. HOWEVER, <u>IT SHOULD ALSO BE UNDERTAKEN WITH THE FULL REALIZATION THAT AN IMPASSE MAY DEVELOP</u> AND THAT MEDIATION, FACT-FINDING--AND POSSIBLE A STRIKE--MAY OCCUR. THEREFORE, AT THE TIME OF IMPASSE THE FACTS SHOULD HAVE ALREADY BEEN DEVELOPED WHICH PROVIDE THE BASIS FOR COMMUNICATION, MEDIATION, AND FACT-FINDING.

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6. DEVELOP A STRIKE PLAN WHICH INCLUDES--

a. ASSIGNMENTS OF SUPERVISORY RESPONSIBILITIES.

b. ADEQUATE SAFEGUARDS FOR THE SAFETY OF STUDENTS.

c. APPROPRIATE BUILDING SECURITY MEASURES.

d. APPROPRIATE CONTINGENCY BUSSING PLANS.

e. ADEQUATE PLANS TO COMMUNICATE WITH PARENTS OF STUDENTS IN THE EVENT OF ABNORMAL SCHOOL SCHEDULES.

f. DETERMINATION OF WHO WILL MAKE THE DECISION AS TO WHETHER SCHOOLS OPERATE OR NOT, AND UNDER WHAT CIRCUMSTANCES.

g. ARRANGEMENTS FOR AUDIO RECORDING EQUIPMENT AND PICTURE-TAKING EQUIPMENT AT EVERY BUILDING SITE.

h. MEASURES TO ENSURE THAT CLASSROOMS AND STUDENTS ARE NOT USED FOR PROPAGANDA PURPOSES BY TEACHERS OR OTHER EMPLOYE GROUPS.

i. CRISIS COMMUNICATIONS REQUIRE OBJECTIVITY AND TRUTHFULNESS.

j. MAKE YOUR BEST EFFORT BEFORE THE STRIKE--NOT DURING THE STRIKE.

WHEN A STRIKE OCCURS

STRIKES SHOULD BE CONDUCTED WITHOUT VICIOUS, UNCALLED-FOR THREATS AND INTIMIDATION. ACTS OF VANDALISM BY STRIKERS SHOULD BE DOCUMENTED, PHOTOGRAPHED IF POSSIBLE, AND PROPERLY RESTRAINED. STRIKERS AND NON-STRIKERS ALIKE MUST RECOGNIZE THAT EVENTUALLY THEY WILL BE REQUIRED TO WORK TOGETHER, SIDE BY SIDE. ALL STRIKES HAVE AN ENDING POINT. DON'T LOSE YOUR COOL. (GOOD IF IT CAN BE DONE.)

DON'T GUESS. WHEN THERE IS UNCERTAINTY ABOUT A GIVEN ISSUE, MAKE CERTAIN THAT THE INFORMATION ON WHICH DECISIONS ARE BASED IS ACCURATE AND AUTHORITATIVE.

DON'T ALLOW STRIKES, OR THREATS OF STRIKES, TO FORCE UPON YOU A CONDITION WHICH IS INTOLERABLE AND WHICH WOULD OTHERWISE HAVE BEEN REJECTED AS BEING UNACCEPTABLE. THE SUREST WAY TO ENCOURAGE AND PERPETUATE STRIKES IS TO ESTABLISH THAT STRIKES WILL INVARIABLY BRING

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ABOUT A RESULT THAT WAS OTHERWISE UNOBTAINABLE.

BE CAREFUL OF BARGAINING, OR WORKING "AROUND THE CLOCK" DURING STRIKE OR IMPASSE PERIODS. THE STRAIN OF AROUND-THE-CLOCK BARGAINING, OR OTHER UNREASONABLE DEMAND, RESULT IN MISTAKES WITH WHICH YOU WILL BE REQUIRED TO LIVE FOR A LONG TIME AFTERWARDS.

KEEP RECORDS DURING A STRIKE. THESE WILL BE IMPORTANT IN VERIFYING THE ACCURACY OF SUBSIDY PAYMENTS DUE TO THE SCHOOL DISTRICT, AS WELL AS BEING IMPORTANT IN VERIFYING HOW PERSONNEL WILL BE PAID.

DETERMINE WHETHER THE STRIKE IS LEGAL OR ILLEGAL. BRIEF ALL BOARD MEMBERS, PRINCIPALS AND SUPERVISORY PERSONNEL ON THEIR DUTIES. REVIEW PREPARED STRIKE PLAN AND MAKE NECESSARY ADJUSTMENTS. THE COORDINATING TEAM SHOULD ESTABLISH SPECIFIC MEETING TIMES WITH FIRST LINE SUPERVISORS FOR PROGRESS REPORTS AND STRATEGY PLANNING DAILY.

IMMEDIATELY ALERT ALL LOCAL AND STATE LAW OFFICIALS OF THE STRIKE.

INSTITUTE BUILDING SECURITY MEASURES. TAKE PRECAUTIONS FOR THE SAFETY OF PUPILS AND NONSTRIKING EMPLOYES.

TRY NOT TO ALLOW STRIKING EMPLOYES TO INTIMIDATED SCHOOL PERSONNEL, STUDENTS, AND PARENTS. ACTS OF VANDALISM AND INTIMIDATIONS SHOULD BE DOCUMENTED AND PHOTOGRAPHED IF POSSIBLE.

DON'T ALLOW THREATS OF STRIKES, OR ACTUAL STRIKES, TO FORCE INTOLERABLE CONDITIONS ON YOUR SCHOOL DISTRICT.

CALL ON YOUR STATE ASSOCIATION. THOUGH LOCAL BOARDS ARE FREE TO MAKE THEIR OWN DECISIONS, STATE PERSONNEL MAY BE HELPFUL IN REACHING SOUND DECISIONS, AND THEY CAN PROVIDE INVALUABLE DATA AND LEGAL BACKGROUND. DO NOT MAKE THE MISTAKE OF "ROUND THE CLOCK" BARGAINING DURING THE STRIKE. DON'T ALLOW THIRD PARTIES--INCLUDING THE COURTS--TO IMPOSE UNREASONABLE DEMANDS UPON YOU.

CREDIBILITY IS THE NAME OF THE GAME, AND EFFECTIVE SCHOOL

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MANAGEMENT WILL INSURE THEY HAVE THE ANSWERS. REMEMBER IF YOU DON'T GIVE THE COMMUNITY THE FACTS, THE UNION WILL.

WHAT THE SCHOOL BOARD MEMBER SHOULD DO DURING A STRIKE

BOARD MEMBERS MUST RECOGNIZE THAT ONCE THE DETERMINATION IS TO KEEP SCHOOLS OPEN, IT IS EXTREMELY IMPORTANT THAT THE BOARD PROJECT A CALM, UNIFIED AND COHESIVE POSTURE. DIFFERENCES SHOULD BE KEPT BEHIND CLOSED DOORS.

PRIME OBJECTIVES OF EMPLOYE UNIONS DURING A STRIKE ARE TO SPLIT THE BOARD. DO NOT LET EMOTIONAL REACTIONS TAKE OVER, OR ATTEMPT TO FIGHT BACK THROUGH THE MEDIA.

KEEP IN TOUCH WITH YOUR SUPERINTENDENT.

BE PREPARED FOR HARRASSMENT. NONE OF IT WILL BE COMPLIMENTARY.

AFTER THE STRIKE

NO MATTER HOW LONG, OR HOW BITTER, STRIKES EVENTUALLY COME TO AN END. IT IS THEN THAT FOOLISH THINGS--DONE BY EITHER PARTY DURING THE COURSE OF THE STRIKE--THAT OCCURRED IMPEDE THE RESUMPTION OF NORMAL ACTIVITIES.

A STRIKE ISN'T THE END OF THE WORLD. IT IS THE "ULTIMATE WEAPON" IN THE COLLECTIVE BARGAINING PROCESS WHICH MAY CONFRONT ANY SCHOOL DISTRICT AT ANY POINT IN TIME.

THE STRIKERS POSSIBLE ACTION:

1. TO GO BACK TO WORK FOR A PERIOD OF TIME WITHOUT A CONTRACT.

2. NOTIFY THE ADMINISTRATION THAT THEY ARE GOING TO STRIKE WITHIN ONE HOUR OF SUCH NOTIFICATION.

3. IF THE STRIKE HAS BEEN ANNOUNCED IN ADVANCE AND THE DISTRICT CHOOSES TO KEEP THE SCHOOLS OPEN, THEY MAY WORK SOME DAYS AND STRIKE OTHER DAYS.

4. IF YOU CLOSE THE SCHOOLS AND NOTHING HAPPENS, THEY MAY OFFER TO GO BACK TO WORK AND NEGOTIATE. AGAIN I REPEAT: MAKE YOUR BEST EFFORT BEFORE A STRIKE AND NOT DURING A STRIKE. GOOD LUCK.

Ann Parent